D.B. CIVIL CONTEMPT PETITION NO.2/2007.
[MANOJ ALI VS. SHRI CHANDRA PRAKASH VYAS]
DATED : 13.02.2007

HON'BLE MR. RAJESH BALIA, J.
HON'BLE MR. CHATRA RAM JAT, J.

Mr.Rajendra Mehta for petitioner.
Mr.K.K.Vyas for Mr.M.R.Singhvi for the respondent.

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Learned counsel for the petitioner states that since filing of the Contempt Petition the amount of licence fee has been refunded and the amount of interest has not been paid inter alia on the ground that there being no statutory provisions for the same. However, the learned counsel contends that he is otherwise entitled to interest under common law on delayed refund of licence fee and security amount and the price of the seized articles.

We are of the opinion that since it is a legal issue to be decided by the appropriate proceedings the same cannot be subject to the decision in contempt jurisdiction. At any rate when there is such a bonafide dispute it cannot amount to will disobedience of the Court.

In view thereof notices are discharged without prejudice to the right of the applicant petitioner to take appropriate remedy in respect of the interest claimed by it on the delayed payments made to him.

[CHATRA RAM JAT], J. **[RAJESH BALIA], J.**

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